

**CITY OF LINCOLN, NEBRASKA  
COMMISSION ON HUMAN RIGHTS  
MINUTES**

THURSDAY, FEBRUARY 23, 2012  
CITY COUNCIL CHAMBERS  
555 S. 10<sup>TH</sup> STREET

The February 23, 2012 meeting of the Commission on Human Rights was called to order at 4 p.m. by Chairperson Gene Crump.

**ROLL CALL:**

The roll call was called and documented as follows:

**MEMBERS PRESENT:**

Commissioners: Hazell Rodriguez, Jose Quintero, Mary Reece, Bennie Shobe, Takako Olson and Gene Crump, Chairperson. Quorum present.

**MEMBERS ABSENT:**

Commissioners: Wendy Francis and Sue Oldfield

**STAFF PRESENT:**

Director Kimberley Taylor-Riley, Angela Lemke, Margie Nichols, Nichole Hope-Bauman and Janice Folkner.

**APPROVAL OF JANUARY 26, 2012 MINUTES:**

A motion was made by Commissioner Reece and seconded by Commissioner Quintero to approve the minutes of the January 26, 2012 meeting as presented.

Hearing no discussion, Chairperson Crump asked for the roll call. Voting “aye” was: Commissioners Quintero, Reece, Shobe and Crump. Abstaining was Commissioners Rodriguez and Olson. Motion carried.

**APPROVAL OF FEBRUARY 23, 2012 AGENDA:**

A motion was made by Commissioner Quintero and seconded by Commissioner Shobe to approve the February 23, 2012 amended meeting agenda, removing case LCHR No. 12-0106-001-E-R for further action.

Hearing no discussion, Chairperson Crump asked for the roll call. Voting “aye” was: Commissioners Reece, Shobe, Olson, Rodriguez, Quintero and Crump. Motion carried.

## **CASE DISPOSITIONS:**

### **LCHR No.: 11-0518-021-E-R**

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Crump and seconded by Commissioner Olson.

Discussion ensued. Questions were asked as to whether the service manager was aware of the Complainant’s allegation of harassment. Investigator Lemke stated that the service manager said he was never told by the Complainant there was an issue of harassment. It was then asked if the Complainant’s frequent absences were justifiable to the employer. Lemke stated she couldn’t speak for the employer but there didn’t appear to be any indication the Complainant ever called in unnecessarily. Lemke went on to say the employer’s concern was the frequent absences and the Complainant’s ability to learn the job. Lemke further said when the Complainant was asked for reasons why she was terminated, she gave the same reasons as the Respondent, which were legitimate reasons to terminate someone.

Hearing no further discussion voting “aye” was: Commissioners Shobe, Olson, Rodriguez, Quintero, Reece and Crump. Motion carried.

## **PRE-DETERMINATION SETTLEMENT**

### **LCHR No.: 12-0106-001-H**

A motion was made by Commissioner Reece and seconded by Commissioner Rodriguez to accept the pre-determination settlement agreement as presented.

Hearing no discussion, Chairperson Crump asked for the roll call. Voting “aye” was Commissioners Rodriguez, Quintero, Reece, Shobe and Crump. Abstaining was Commissioner Olson. Motion carried.

## **ADMINISTRATIVE CLOSURES**

### **RESPONDENT OUT OF BUSINESS**

### **LCHR No.: 11-0613-028-E-R**

A motion was made by Commissioner Shobe and seconded by Commissioner Quintero to accept the Administrative Closure/Respondent Out of Business.

Hearing no discussion, Chairperson Crump asked for the roll call. Voting “aye” was Commissioners Rodriguez, Quintero, Reece, Shobe, Olson and Crump. Motion carried.

### **FAILURE TO COOPERATE**

#### **LCHR No.: 11-0908-033-E-R**

A motion was made by Commissioner Rodriguez and seconded by Commissioner Reece to accept the Administrative Closure/Failure to Cooperate.

Hearing no discussion, Chairperson Crump asked for the roll call. Voting “aye” was Commissioners Quintero, Reece, Shobe, Olson, Rodriguez and Crump. Motion carried.

### **LACK OF JURISDICTION**

#### **LCHR No.: 11-1108-038-E**

A motion was made by Commissioner Quintero and seconded by Commissioner Reece to accept the Administrative Closure/Lack of Jurisdiction.

Discussion ensued. Questions were asked as to how it is determined whether a person is considered an independent contractor. Investigator Nichols explained the Respondent and Complainant are asked a list of questions and it is then given to the Department’s attorney to make a determination.

Hearing no further discussion, Chairperson Crump asked for the roll call. Voting “aye” was Commissioners Reece, Shobe, Olson, Quintero and Crump. Abstaining was Commissioner Rodriguez. Motion carried

### **WITHDRAWAL**

#### **LCHR No.: 12-0201-004-E-R**

A motion was made by Commissioner Shobe and seconded by Commissioner Olson to accept the Administrative Closure/Withdrawal.

Hearing no discussion, Chairperson Crump asked for the roll call. Voting “aye” was Commissioners Shobe, Olson, Rodriguez, Quintero, Reece and Crump. Motion carried.

**OLD BUSINESS:**

A. New Director of Equity & Diversity, Kimberley Taylor-Riley

The Commissioners welcomed the new Director, Kimberley Taylor-Riley and introduced themselves along with giving a brief description of their personal background with the Commission.

**NEW BUSINESS:**

Director Taylor-Riley announced that plans have started to organize the 2012 Civil Rights Conference, set for April 30, 2012. It will be held at the Southeast Community College Continuing Education Center. Further information to be announced.

**PUBLIC COMMENTS:** None

**Next Meeting:** The next meeting will be held on Thursday, March 29, 2012 at 4:00 p.m. in the City Council Chambers at the County City Building at 555 S. 10<sup>th</sup> Street.

**ADJOURNED:** The meeting adjourned at 4:32 p.m.